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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NGUYEN, KHAI MINH	

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/723,831	SYLVAIN, DANY	
	Examiner	Art Unit	
	Khai M. Nguyen	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-21 and 24-39* is/are rejected.

7)☒ Claim(s) *3-4, and 22-23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's argument with respect to claim 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim1-2, 5-21, 24-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yegoshin (U.S.Pub-20040160932) in view of McConnell et al. (U.S.Pat-6633636).

Regarding claim 1, Yegoshin teaches a method for transitioning a call with a mobile terminal (fig.2, cell phone 9) from a packet network to a cellular network (fig.2, paragraph 0030), wherein the call is initially established between a remote device and the mobile terminal via a local wireless adaptor coupled to a packet-based network (fig.2-3, cell phone 9, cellular network 24, IP network 27 (private network or LAN)), the method comprising:

a) determining the call (fig.3, paragraph 0049) should be transferred to the mobile terminal via the cellular network (fig.2-3, paragraph 0049-0050);

b) initiating a first connection between a media gateway (fig.2-3, telephone switch 31, IP switch 35, MSC 34, PSTN 36, paragraph 0049-0050) and the mobile terminal via the cellular network (fig.2-3, paragraph 0049-0050)

Yegoshin fails to specifically discloses effecting a transfer of the call to the first connection between the first media gateway and the mobile terminal. However, McConnell teaches the wireless network interface is operable to deliver call routing queries to the wireless network and to receive call routing instructions from the wireless network, McConnell teaches effecting a transfer of the call to the first connection between the first media gateway (fig.1, STP 30) and the mobile terminal (fig.4-6, col.2, line 37 to col.3, line 7, col.8, lines 22-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use effecting a transfer of the call to the first connection between the first media gateway and the mobile terminal as taught by McConnell with Yegoshin teaching in order to provide certain enhanced services in accordance with the call routing instruction received from the service control point.

Regarding claim 2, Yegoshin and McConnell further teaches the method of claim 1 wherein the call is initially established to comprise a remote connection between the remote device and a second media gateway (see McConnell, fig.2, element 12, 28) and a local connection between the second media gateway (see McConnell, fig.2, element 12, 28) and the mobile terminal via the local wireless adaptor over the packet-based network (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 5, Yegoshin and McConnell further teaches the method of claim 1 wherein determining the call should be transferred comprises:

a) receiving information from the mobile terminal (see Yegoshin, paragraph 0032); and

b) monitoring the information to determine whether the call should be transferred (see McConnell, abstract, fig.4-6, col.2, line 37 to col.3, line 7).

Regarding claim 6, Yegoshin and McConnell further teaches the method of claim 5 wherein the information is received via the local wireless adaptor over the packet-based network (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 7, Yegoshin and McConnell further teaches the method of claim 5 wherein the information is a periodic signal indicative of the mobile terminal being within a local wireless communication range of the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 8, Yegoshin and McConnell further teaches the method of claim 5 wherein the information includes communication metrics bearing on the ability of the mobile terminal to communicate via the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 9, Yegoshin and McConnell further teaches the method of claim 5 wherein the information indicates a user of the mobile terminal desires transfer of the call (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 10, Yegoshin and McConnell further teaches the method of claim 1 further comprising accessing a directory number (see McConnell, col.5, lines 36-48), which is assigned to the mobile terminal by the cellular network (see McConnell, col.5, lines 36-56), wherein the first connection is established using the directory number (see McConnell, col.5, lines 36-56).

Regarding claim 11, Yegoshin and McConnell further teaches the method of claim 10 wherein the directory number is accessed via a home location register (see McConnell, col.5, lines 36-56).

Regarding claim 12, Yegoshin and McConnell further teaches the method of claim 11 wherein the home location register accesses the directory number from a visiting location register associated with the cellular network (see McConnell, col.5, lines 36-56).

Regarding claim 13, Yegoshin and McConnell further teaches the method of claim 12 wherein the visiting location register accesses the directory number from a wireless switch (see McConnell, col.5, lines 36-56), which facilitates at least a portion of the first connection with the mobile terminal (see McConnell, col.5, lines 36-56).

Regarding claim 14, Yegoshin and McConnell further teaches the method of claim 10 wherein the directory number is a temporary directory number and the mobile terminal is also associated with a primary directory number associated with the packet-based network (see McConnell, col.5, lines 36-56).

Regarding claim 15, Yegoshin and McConnell further teaches the method of claim 1 wherein the mobile terminal registers with the cellular network while effecting communications via the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 16, Yegoshin and McConnell further teaches the method of claim 15 wherein the mobile terminal registers with the cellular network while the call is in progress (see McConnell, col.2, lines 37-56).

Regarding claim 17, Yegoshin and McConnell further teaches the method of claim 15 wherein the mobile terminal registers with the cellular network prior to the first connection being established via the cellular network (see McConnell, col.2, lines 37-56).

Regarding claim 18, Yegoshin and McConnell further teaches the method of claim 1 wherein at least a portion of the call is a voice-over-packet call (see McConnell, col.2, lines 37-56).

Regarding claim 19, Yegoshin and McConnell further teaches the method of claim 1 wherein at least a portion of the call is facilitated over the public switched telephone network (see McConnell, col.4, lines 10-54).

Regarding claim 20, Yegoshin teaches a system for transitioning a call with a mobile terminal (fig.2, cell phone 9) from a packet network to a cellular network (fig.2, paragraph 0030), wherein the call is initially established between a remote device and the mobile terminal via a local wireless adaptor coupled to a packet-based network (fig.2-3, cell phone 9, cellular network 24, IP network 27 (private network or LAN)), the system comprising:

a) at least one communication interface (fig.2, cell phone 9, paragraph 0023); and

b) a control system associated with the at least one communication interface and adapted (fig.2-3, paragraph 0049-0050) to:

i) determining the call (fig.3, paragraph 0049) should be transferred to the mobile terminal via the cellular network (fig.2-3, paragraph 0049-0050);

ii) initiating a first connection between a media gateway (fig.2-3, telephone switch 31, IP switch 35, MSC 34, PSTN 36, paragraph 0049-0050) and the mobile terminal via the cellular network (fig.2-3, paragraph 0049-0050)

Yegoshin fails to specifically discloses effect a transfer of the call to the first connection between the first media gateway and the mobile terminal. However, McConnell teaches the wireless network interface is operable to deliver call routing queries to the wireless network and to receive call routing instructions from the wireless network, McConnell teaches effect a transfer of the call to the first connection between the first media gateway (fig.1, STP 30) and the mobile terminal (fig.4-6, col.2, line 37 to col.3, line 7, col.8, lines 22-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use effect a transfer of the call to the first connection between the first media gateway and the mobile terminal as taught by McConnell with Yegoshin teaching in order to provide certain enhanced services in accordance with the call routing instruction received from the service control point.

Regarding claim 21, Yegoshin and McConnell further teaches the system of claim 20 wherein the call is initially established to comprise a remote connection between the remote device and a second media gateway (see McConnell, fig.2, element 12, 28) and a local connection between the second media gateway (see McConnell, fig.2, element 12, 28) and the mobile terminal via the local wireless adaptor over the packet-based network (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 24, Yegoshin and McConnell further teaches the system of claim 20 wherein to determine the call should be transferred, the control system is further adapted to:

a) receive information from the mobile terminal (see Yegoshin, fig.2-3, paragraph 0032); and

b) monitor the information to determine whether the call should be transferred (see McConnell, abstract, fig.4-6, col.2, line 37 to col.3, line 7).

Regarding claim 25, Yegoshin and McConnell further teaches the system of claim 24 wherein the information is received via the local wireless adaptor over the packet-based network (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 26, Yegoshin and McConnell further teaches the system of claim 24 wherein the information is a periodic signal indicative of the mobile terminal being within a local wireless communication range of the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 27, Yegoshin and McConnell further teaches the system of claim 24 wherein the information includes communication metrics bearing on the ability of the mobile terminal to communicate via the local wireless adaptor (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 28, Yegoshin and McConnell further teaches the system of claim 24 wherein the information indicates a user of the mobile terminal desires transfer of the call (see Yegoshin, fig.2-3, paragraph 0049-0050).

Regarding claim 29, Yegoshin and McConnell further teaches the system of claim 20 where the control system is further adapted to access a directory number (see McConnell, col.5, lines 36-56), which is assigned to the mobile terminal by the cellular network wherein the first connection is established using the directory number (see McConnell, col.5, lines 36-56).

Regarding claim 30, Yegoshin and McConnell further teaches the system of claim 29 wherein the directory number is accessed via a home location register (see McConnell, col.5, lines 36-56).

Regarding claim 31, Yegoshin and McConnell further teaches the system of claim 30 wherein the home location register accesses the directory number from a visiting location register associated with the cellular network (see McConnell, col.5, lines 36-56).

Regarding claim 32, Yegoshin and McConnell further teaches the system of claim 31 wherein the visiting location register accesses the directory number from a wireless switch (see McConnell, col.5, lines 36-56), which facilitates at least a portion of the first connection with the mobile terminal (see McConnell, col.5, lines 36-56).

Regarding claim 33, Yegoshin and McConnell further teaches the system of claim 29 wherein the directory number is a temporary directory number and the mobile terminal is also associated with a primary directory number associated with the packet-based network (see McConnell, col.5, lines 36-56).

Regarding claim 34, Yegoshin and McConnell further teaches the system of claim 20 wherein the mobile terminal registers with the cellular network while effecting communications via the local wireless adaptor ().

Regarding claim 35, Yegoshin and McConnell further teaches the system of claim 33 wherein the mobile terminal registers with the cellular network while the call is in progress (see McConnell, col.2, lines 37-56).

Regarding claim 36, Yegoshin and McConnell further teaches the system of claim 33 wherein the mobile terminal registers with the cellular network prior to the first connection being established via the cellular network (see McConnell, col.2, lines 37-56).

Regarding claim 37, Yegoshin and McConnell further teaches the system of claim 20 wherein at least a portion of the call is a voice-over-packet call (see McConnell, col.2, lines 37-56).

Regarding claim 38, Yegoshin and McConnell further teaches the system of claim 20 wherein at least a portion of the call is facilitated over the public switched telephone network (see McConnell, col.4, lines 10-54).

Regarding claim 39, Yegoshin teaches a system for transitioning a call with a mobile terminal (fig.2, cell phone 9) from a packet network to a cellular network (fig.2, paragraph 0030), wherein the call is initially established between a remote device and the mobile terminal via a local wireless adaptor coupled to a packet-based network (fig.2-3, cell phone 9, cellular network 24, IP network 27 (private network or LAN)), the system comprising:

a) means for determining the call (fig.3, paragraph 0049) should be transferred to the mobile terminal via the cellular network (fig.2-3, paragraph 0049-0050);

b) initiating a first connection between a media gateway (fig.2-3, telephone switch 31, IP switch 35, MSC 34, PSTN 36, paragraph 0049-0050) and the mobile terminal via the cellular network (fig.2-3, paragraph 0049-0050)

Yegoshin fails to specifically discloses effecting a transfer of the call to the first connection between the first media gateway and the mobile terminal. However, McConnell teaches the wireless network interface is operable to deliver call routing queries to the wireless network and to receive call routing instructions from the wireless network, McConnell teaches effecting a transfer of the call to the first connection between the first media gateway (fig.1, STP 30) and the mobile terminal (fig.4-6, col.2, line 37 to col.3, line 7, col.8, lines 22-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to use effecting a transfer of the call to the first connection between the first media gateway and the mobile terminal as taught by McConnell with Yegoshin teaching in order to provide certain enhanced services in accordance with the call routing instruction received from the service control point.

Allowable Subject Matter

3. Claims 3-4, 22-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571.272.7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617

7/22/2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER